
Public Utilities Commission of the State of California

Public Agenda 3114

Thursday, June 5, 2003 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, June 16, 2003 (San Francisco)	Thursday, June 05, 2003 (San Francisco)
Monday, July 07, 2003 (San Francisco)	Thursday, June 19, 2003 (San Francisco)
Monday, August 18, 2003 (San Francisco)	Thursday, July 10, 2003 (San Francisco)
Monday, September 29, 2003 (San Francisco at 11:00 a.m.)	Thursday, August 21, 2003 (San Francisco)
	Thursday, September 04, 2003 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 1

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

- | | |
|-----------------------------------|---|
| CA-1
1988 | Res TL-19028
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148460 |
| CA-2
1989 | Res ALJ 176-3114
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure. |
| CA-3
1877 | R02-08-002 - Order Instituting Rulemaking on the Commission's own motion to examine whether the regulations regarding prearrangement of charter-party transportation contained in General Order 157-C should be revised.
This Rulemaking is discontinued because the Commission has determined that changes to G.O. 157-C are not needed at this time. This proceeding is closed.
(Comr Kennedy - ALJ Rosenthal)
<i>Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.</i>
(Agenda 3110, Item CA-11 4/3/2003 (Staff); Agenda 3112, Item CA-3 5/8/2003 (Kennedy); Agenda 3113, Item CA-3 5/22/2003 (Kennedy))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143891 |
| CA-4 (Rev.)
1986 | 06/04/2003 - Moved to item (H-14) on the agenda. |

- CA-5
2164** **Res M-4809**
This resolution authorizes deviations from requirements in General Order 96-A regarding submittal of tariff sheets and advice letters.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148829
- CA-6
2165** **A02-08-027 - Michael Muramoto D.B.A. Mike's Ride (Applicant).**
This decision grants Applicant a passenger stage certificate for service between Isla Vista and Santa Barbara. This proceeding is closed.
(Comr Wood - ALJ Rosenthal)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146846
- CA-7
2166** **A01-12-042 - Tenby, Inc.**
A01-12-050 - Related matters. This decision addresses the applications filed by Tenby, Inc. and Southern California Gas Company to modify or clarify Resolution G-3304. These proceedings are closed.
(Comr Brown - ALJ Wong)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149350
- CA-8
2167** **R98-07-037 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing energy efficiency, low-income assistance, renewable energy and research development and demonstration.**
This decision denies the Petition for Modification of D01-03-073 filed by Capstone Turbine Corporation (Capstone), in which Capstone requests that the Commission find exhaust-fired absorption heat exchangers to be an eligible cost for the purpose of calculating self-generation program incentives.
(Comr Lynch - ALJ Gottstein)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149396

**CA-9
2173****A00-11-057 - Arch Wireless, Inc. and Paging Network Inc.**

For approval to transfer control of Paging Network, Inc. and its California operating subsidiary Paging Network of America, Inc., to Arch Wireless, Inc. This decision dismisses the application as moot upon request of the parties. This proceeding is closed.

(Comr Kennedy - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147058

**CA-10
2180****C99-01-039 - The Greenlining Institute, Latino Issues Forum vs. Pacific Bell, Pacific Bell Information Services.**

This decision denies the petition to modify D03-03-022 by the Greenlining Institute. This proceeding is closed.

(Comr Wood - ALJ Vieth)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149048

**CA-11
2190****R93-04-003 - Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier frameworks.**

I93-04-002 - Related matters. This decision grants The Utility Reform Network an award of \$147,262.12 for substantial contribution to D03-01-077.

(Comr Wood - ALJ Jones)

**CA-12
2197****A00-07-006 - Southern California Edison Company (SCE).**

For authority to issue, sell, and deliver one or more series of Debt Securities. A88-03-024, A00-07-048, A97-11-032. - Related matters. This decision grants the amended expedited petition filed on March 8, 2002 by SCE to modify D88-07-069 and D00-10-063. SCE is granted an exemption from the Competitive Bidding Rule. These proceedings are closed.

(Comr Lynch - ALJ Evans)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147712

**CA-13
2224****C01-08-018 - United States Can Company (US Can) vs. Southern California Edison Company (Edison).**

This modified decision finds that complainant US Can 1) failed to establish that it did not receive the notices to interrupt and therefore, pursuant to the terms of the interruptible contract, US Can is responsible for the payment of excess energy charges for failing to interrupt on November 15 and December 4-7, 2000, and 2) did establish that Edison failed to meet its contractual obligations to repair the automatic notification system within its targeted repair timeframe of approximately 30 days. The excess energy charge of \$76,306.50 for US Can's failure to interrupt on the five event dates, is reduced by the amount of charges assessed for December 6 and 7, 2000. This modified decision addresses the issues raised by Edison in its appeal filed July 31, 2002 to the Presiding Officer's Decision. This proceeding is closed.

(Comr Peevey - ALJ Brown)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.

Pub. Util. Code § 1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149558

**CA-14
2225****A00-07-022 - San Diego Gas & Electric Company**

This decision allows SDG&E to recover these costs, which are deemed to be reasonable, for various balancing accounts and memorandum accounts. This proceeding is closed.

(Comr Kennedy - ALJ Long)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

**CA-15
2239****A02-07-037 - Marin Airporter (Applicant).**

This decision grants Applicant's application to increase its rates and to apply a previously authorized zone of rate freedom to the increase rates. This proceeding is closed.

(Exam Clark)

Pub. Util. Code § 1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148254

**CA-16
2240****A02-10-006 - California Department of Transportation (Caltrans).**

This decision grants Caltrans' application to add high occupancy vehicle lanes in the median gap of existing West Sylmar over the tracks of Southern California Regional Rail Authority in the City and County of Los Angeles. This proceeding is closed.

(Exam Clark)

Pub. Util. Code § 1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147177

- CA-17
2241** **A02-11-045 - California Department of Transportation (Caltrans).**
This decision grants the application of Caltrans to widen the median gap of existing Southern Magunden Overhead, Bridge No. 50-384 (PUC No.BQ-317.5-A) over the tracks of San Joaquin Valley Railroad in the County of Kern. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147173
- CA-18
2243** **Res W-4399 - California-American Water Company (Cal-Am), Monterey Division.**
This resolution authorizes an offset rate increase producing \$849,314 (3.02%) in additional revenue for the undercollection of its Water Revenue Adjustment Mechanism balancing account.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148353
- CA-19
2244** **Res W-4400 - California-American Water Company (Cal-Am), Monterey Division.**
This resolution authorizes Cal-Am to file a supplemental advice letter to recover the undercollection in its Conservation Expense Memorandum Account as of November 29, 2001 by instituting an offset rate increase producing less than \$1,181,882 (4.19%) in additional revenue for a period of one year.
(Advice Letter 577, filed March 18, 2003)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147382
- CA-20
2245** **Res W-4401 - Del Oro Water Company, Country Estates District (DOWCCE).**
This resolution authorizes DOWCCE an offset rate increase of \$4,719 or 7.0% in additional revenue due to purchased power costs. (Advice Letter 116, filed April 21, 2003)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148363
- CA-21
2246** **Res W-4402 - San Jose Water Company (SJWC).**
This resolution denies SJWC's recovery of under-collections in Catastrophic Event Memorandum Account, Water Quality Memorandum Account, Purchased Power, Purchased Water, and Pump Tax balancing accounts (producing additional annual revenues of \$381,819 or 0.3%). (Advice Letter 339, filed January 13, 2003)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148367

- CA-22
2248** **A02-12-014 - Easton Telecom Services, L.L.C. (Applicant).**
This decision grants Applicant's request for a certificate of public convenience and necessity to operate as a limited facilities-based and resale provider of competitive local exchange services. This proceeding is closed.
(Comr Peevey - ALJ Bemserderfer)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144708
- CA-23
2249** **A02-12-016 - Enhanced Communications Group, L.L.C. (Applicant).**
This decision grants Applicant's request for a certificate of public convenience and necessity to operate as a limited facilities-based and resold local exchange services. This proceeding is closed.
(Comr Brown - ALJ Bemserderfer)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144794
- CA-24
2250** **Res ST-61 - The Port of Los Angeles Waterfront Red Car Line (POLA).**
This regulation approves POLA's System Safety Plan and System Security Plan.
- CA-25
2251** **A03-03-037 - Catalina Passenger Service, Inc. (Applicant).**
This decision authorizes Applicant to increase its vessel common carrier fares for the transportation of passengers between Newport Beach and Avalon, Catalina Island. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148377
- CA-26
2252** **A03-03-022 - Mauricio D. Flores dba Alicia's Shuttle (Applicant).**
This decision authorizes Applicant to operate as a passenger stage corporation between the Counties of Contra Costa, Alameda, and San Francisco and the International Airports of San Francisco, San Jose, and Oakland, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148346

- CA-27
2253** **A03-02-009 - Jasvir Singh dba Classic Airport Shuttle Service (Applicant).**
This decision authorizes Applicant to operate as an on-call passenger stage corporation between the Counties of Alameda, Santa Clara, and San Mateo and the International Airports of Oakland, San Francisco, and San Jose. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148351
- CA-28
2254** **A03-03-005 - Sonoma Airporter, Inc. (Applicant).**
This decision authorizes Applicant to establish a zone of rate freedom and to eliminate a round-trip fare discount from its passenger stage corporation tariff. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148348
- CA-29
2255** **A03-02-007 - Vinh The Nguyen dba Real Airport Shuttle (Applicant).**
This decision authorizes Applicant to operate as an on-call passenger stage corporation between the Counties of San Francisco, Alameda, San Mateo and Santa Clara and the International Airports of San Francisco, Oakland, and San Jose. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148350
- CA-30
2257** **Res ST-62 - The Port of Los Angeles (POLA).**
This resolution grants in part and rejects in part POLA's request for authority to deviate from various provisions of General Order 143-B as it pertains to the proposed Waterfront Red Car Line. The proposed historic streetcar and replica streetcars shall be allowed to operate, as built, with safety mitigations.
- CA-31
2262** **C02-06-010 - Board of Supervisors of the County of Nevada vs. SBC Pacific Bell.**
This decision closes this proceeding. A prior decision D03-04-007 resolved all outstanding issues.
(Comr Brown - ALJ Jones)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

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- CA-32
2283** **R02-06-040 - Rulemaking for the purpose of revising certain Rules of Practice and Procedure to implement Public Utilities Code Section 1708.5 (Petitions for Rulemaking).**
This decision closes the above proceeding. Since the Commission approved the addition of a new Article 3.5 and a new Rule 14.7 to the Rules of Practice and Procedure in D03-03-020, there are no remaining issues to be considered in this docket. Therefore, this proceeding should be closed.
(Comr Lynch - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148129
- CA-33
2286** **A02-10-030 - San Diego Gas & Electric Company (SDG&E).**
This decision approves a power purchase agreement between SDG&E and C.P. Kelco, Inc. This proceeding is closed.
(Comr Wood - ALJ Barnett)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135164
- CA-34
2294** **A02-07-001 - Southern California Gas Company.**
A02-07-002, A02-07-003, A02-07-004, R01-08-027 - Related matters. This decision approves uncontested revisions to the Low-Income Energy Efficiency Program Weatherization Installation Standards and Policy and Procedures Manuals, which bring these documents into compliance with the requirements of D01-05-033 and D02-12-019, as well as applicable codes and standards.
(Comr Wood - ALJ Gottstein)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145211
- CA-35
2302** **R01-05-046 - Rulemaking on the Commission's own motion to comply with the mandates of Senate Bill 1712.**
This decision grants intervenor compensation to the National Council of La Raza, Southern Christian Leadership Conference, and the California Rural Indian Health Board. The Greenlining Institute and Latino Issues Forum request for compensation is denied. This proceeding is closed.
(Comr Brown - ALJ Bushey)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148807
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Regular Agenda**Utility and Transportation Orders**
Orders Held Over

- H-1
1836** **A00-05-032 - Pacific Gas and Electric Company (PG&E).**
PG&E seeks authorization pursuant to Pub. Util. Code §§ 367(b) and 851, to market value by sale certain generation-related parcels of land in Rodeo, Martinez, and Antioch. The Commission concludes that the application is barred under § 377 and the application is dismissed without prejudice. This proceeding is closed.
(Comr Lynch - ALJ Patrick)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3110, Item CA-5 4/3/2003 (Staff); Agenda 3112, Item H-2 5/8/2003 (Kennedy); Agenda 3113, Item H-1 5/22/2003 (Staff))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149063
- H-1a
2203** **ALTERNATE TO ITEM 1836**
The Alternate Decision of Commissioner Kennedy differs from the Proposed Decision in that it concludes that Public Utilities Code Section 377 is not a bar to the application and approves the sale.
(Comr Kennedy)
(Agenda 3113, Item H-1a 5/22/2003 (Staff))
- H-2
1838** **A00-05-033 - Pacific Gas and Electric Company (PG&E).**
PG&E seeks authorization pursuant to Pub. Util. Code §§ 367(b) and 851, to market value by sale a generation-related property at Bridgehead Road in Antioch. The Commission concludes that the application is barred under § 377 and the application is dismissed without prejudice. This proceeding is closed.
(Comr Lynch - ALJ Patrick)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3110, Item CA-6 4/3/2003 (Staff); Agenda 3112, Item H-3 5/8/2003 (Kennedy); Agenda 3113, Item H-2 5/22/2003 (Staff))
- H-2a
2204** **ALTERNATE TO ITEM 1838**
The Alternate Decision of Commissioner Kennedy differs from the Proposed Decision in that it concludes that Public Utilities Code Section 377 is not a bar to the application and approves the sale.
(Comr Kennedy)
(Agenda 3113, Item H-2a 5/22/2003 (Staff))

**H-3
1866****R01-09-001 - Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.**

I01-09-002 - Related matters. In this decision, the Commission evaluates the service quality of Pacific Bell and Verizon California, Inc. over the period January 1, 1990 through the present. The Commission ordered such a review in D89-10-031, which established the New Regulatory Framework as means of regulating both carriers.

(Comr Kennedy - ALJ Thomas)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3111, Item 1 4/17/2003 (Kennedy))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145086

**H-4
1914****A01-03-036 - San Diego Gas and Electric Company (SDG&E).**

For a certificate of public convenience and necessity for a 500kV Inter-Connect Project known as Valley-Rainbow. This decision denies SDG&E's Petition to Modify D02-12-066.

(Comr Kennedy - ALJ Cooke)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3111, Item CA-5 4/17/2003 (Peevey); Agenda 3112, Item H-4 5/8/2003 (Peevey))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143262

**H-4a
2261****ALTERNATE TO ITEM 1914**

This alternate grants San Diego Gas & Electric Company's petition to modify in part. The record should be reopened to take additional testimony and hold evidentiary hearings.

(Comr Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149130

**H-5
1969****A01-09-004 - Southern California Edison Company (SCE).**

This decision permits SCE to recover approximately \$20,000,000 in costs accruing prior to August 31, 2001, in four accounts. It finds that the release of claims by SCE in the Settlement Agreement between SCE and this Commission did not release the claims which are the subject of this decision. This proceeding is closed.

(Comr Brown - ALJ Barnett)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3112, Item 2 5/8/2003 (Lynch); Agenda 3113, Item H-4 5/22/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149039

- H-6
1987** **A99-09-006 - Pacific Gas and Electric Company (PG&E).**
The Commission adopts PG&E's estimate of \$65.1 million for the future decommissioning and site remediation of Hunters Point Power Plant for inclusion in the Transition Cost Balancing Account. This proceeding is closed.
(Comr Brown - ALJ Patrick)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3112, Item 3 5/8/2003 (Staff))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149005
- H-7
2023** **R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**
This draft decision grants in part Southern California Edison Company's (SCE) February 3, 2003 Petition for Modification of D02-12-074. In all other respects, SCE's petition is denied.
(Comr Peevey - ALJ Walwyn)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3111, Item 3 4/17/2003 (Peevey); Agenda 3112, Item H-6 5/8/2003 (Peevey); Agenda 3113, Item H-6 5/22/2003 (Lynch))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149091
- H-7a
2057** **ALTERNATE TO ITEM 2023**
This alternate order applies the disallowance cap to a different amount of procurement costs than the administrative law judge's draft decision.
(Comr Peevey)
(Agenda 3111, Item 3a 4/17/2003 (Peevey); Agenda 3112, Item H-6a 5/8/2003 (Peevey); Agenda 3113, Item H-6a 5/22/2003 (Lynch))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147650
- H-7b
2296** **ALTERNATE TO ITEM 2023**
This alternate order applies the disallowance cap to a lower amount of procurement costs than the Administrative Law Judge's draft decision.
(Comr Lynch)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148811

**H-8
2068****R02-06-001 - Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing.**

This decision addresses the interagency vision for advancing statewide demand response goals, links the task of meeting those goals with utility procurement requirements, and adopts an initial set of voluntary tariffs and programs for large customers whose electricity usage exceeds 200 kW per month. The decision also sets annual megawatt targets to be met through demand response and included in IOU procurement plans.

(Comr Peevey - ALJ Carew)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3112, Item 6 5/8/2003 (Lynch); Agenda 3113, Item H-9 5/22/2003 (Lynch))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149128

**H-8a
2201****ALTERNATE TO ITEM 2068**

This alternate differs from the draft decision in that it maintains costs within customer classes, allows the utilities some discretion over using program targets for their long-term procurement plans, and sets programs milestones for existing programs before additional funding is authorized.

(Comr Lynch)

(Agenda 3113, Item H-9a 5/22/2003 (Lynch))

**H-9
2090****A02-09-006 - Wild Goose Storage, Inc. (Wild Goose).**

This decision determines that the holding company merger involving Wild Goose's original parent has resulted in an indirect change of control over Wild Goose and approves the change of control nunc pro tunc but levies a penalty of \$51,500 for a continuing violation of Pub. Util. Code § 854(a). One half of the penalty (\$25,750) is suspended after considering mitigating factors. This proceeding is closed.

(Comr Lynch - ALJ Vieth)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3113, Item 1 5/22/2003 (Wood))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148034

**H-9a
2092****ALTERNATE TO ITEM 2090**

This alternate decision determines that the holding company merger involving Wild Goose's original parent has resulted in an indirect change of control over Wild Goose and approves the change of control nunc pro tunc but levies a penalty of \$1,510,000 for a continuing violation of Pub. Util. Code § 854(a). This proceeding is closed.

(Comr Lynch)

(Agenda 3113, Item 1a 5/22/2003 (Wood))

**H-10
2100 A00-02-048 - Innovative Telecom Corp. (ITC) and Enhanced Global Convergence Services, Inc. (eGCS).**

This decision authorizes ITC and eGCS to transfer all of ITC's assets to eGCS on a prospective basis. Applicants are fined a total of \$500 for completing the transfer of assets prior to requesting and obtaining Commission authorization to transfer the assets. This proceeding is closed.

(Comr Wood - ALJ Galvin)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3113, Item CA-16 5/22/2003 (Wood))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147913

**H-11
2123 R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.**

This decision adopts policies and mechanisms to implement cost responsibility surcharges (CRS) applicable to "Municipal Departing Load" (MDL), within the service territories of Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company, MDL refers to customer load that departs to be served by a "publicly owned utility," as defined in Pub. Util. Code Section 9604(d). The MDL CRS adopted by this decision is composed of 4 components associated with costs related to the Department of Water Resources' issuance of Bonds and power charges, as well as other costs.

(Comr Brown, Comr Wood - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3113, Item 4 5/22/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146033

**H-11a
2124 ALTERNATE TO ITEM 2123**

This alternate determines that new municipal departing load associated with existing publicly-owned utilities are not subject to cost responsibility surcharges. New municipal departing load associated with new publicly-owned utilities are subject to cost responsibility surcharges.

(Comr Brown)

(Agenda 3113, Item 4a 5/22/2003 (Staff))

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- H-12
2125** **A02-07-050 - SBC Pacific Bell Telephone Company.**
This decision dismisses the application without prejudice. The most appropriate use of the Commission's and parties' limited resources would be to focus on the numerous pending resource-intensive cases and anticipated priority proceedings and to defer devoting resources to this request to a later time. In addition, the FCC has a pending docket in which it is considering measures to increase competition for local directory assistance. This proceeding is closed.
(Comr Lynch - ALJ Bemederfer)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3113, Item 5 5/22/2003 (Peevey))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148611
- H-13
2200** **P01-10-008, R_____ - AT&T Communications of California, Inc. (AT&T).**
This decision grants in part AT&T's petition for the Commission to review rates charged by Pacific Bell/SBC and Verizon for switched access services, and closes the Petition. The decision opens a rulemaking to consider these and related matters.
(Comr Lynch - ALJ Malcolm)
(Agenda 3113, Item 7 5/22/2003 (Staff))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147625
- H-14 (Rev.)
1986** **A99-12-025 - Valencia Water Company (Valencia).**
For approval of its Updated Water Management Programs as ordered in Commission Resolution W-4254 dated August 5, 1999. The Commission concludes that no good cause has been shown to modify D01-11-048, which approved Valencia's 1999 Water Management Program and authorized certain extensions to its service area. Sierra Club's petition to modify D01-11-048 is denied. This proceeding is closed.
(Comr Brown - ALJ Patrick)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3112, Item CA-5 5/8/2003 (Lynch); Agenda 3113, Item CA-5 5/22/2003 (Lynch))
06/04/2003 - This item appeared as (CA-4) on the agenda distributed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146816
-

Orders**1
2160 I97-07-018 - Investigation on the Commission's own motion into the operations, practices, rates and charges of the Hillview Water Company, Inc. (Hillview), a corporation, and Roger L. Forrester (Forrester), the principal shareholder and president.**

This decision determines that the respondents, Hillview and Forrester violated Section 491 and Section 825 of the California Public Utilities Code. The respondents must prepare a reconciliation of accounts for the period from January 1, 1991, to and including July 31, 1998. If that reconciliation indicates that Hillview's revenue requirement is materially inaccurate, Hillview must file an informal general rate case to properly adjust its rates. A five-year probationary period is instituted to prevent a recurrence of these violations. This proceeding is closed.

(Comr Kennedy - ALJ Ryerson)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149137

**2
2177 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**

I95-04-044 - Related matters. This decision authorizes the North American Numbering Plan Administrator, together with carriers to proceed immediately with implementation of the 310 Numbering Plan Area (NPA) back-up relief plan adopted in D00-09-073. The back-up plan provides for a geographic split of the 310 NPA to create a new 424 NPA in order to replenish the supply of NXX codes available for telephone number assignments. The southern portion of the current 310 area code, including El Segundo, Hawthorne, Compton, Redondo, Lomita, and San Pedro shall be split off to form a new 424 area code.

(Comr Lynch - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149336

**2a
2179 ALTERNATE TO ITEM 2177**

This decision concludes that adequate telephone numbers still exist in the 310 area code to provide customers and telephone carriers with sufficient service. It is not necessary at this time to split the 310 area code by implementing the area code split plan adopted in D00-09-073. Instead, the Commission should closely monitor the additional need for telephone numbers in the 310 area code to assure adequate telephone number supplies, and further advocate its number conservation proposals now pending with the federal Communications Commission.

(Comr Lynch)

3
2186

A01-02-030 - Southern California Edison Company (SCE).

This decision denies the application of SCE to recover in distribution rates, Administrative and General (A&G) and General and Intangible Plant (G&I) expenses that have been booked in the Transmission Revenue Requirement Reclassification Memorandum Account (TRRRMA) established in 1998 pursuant to Res E-3544. TRRRMA was established to give SCE an opportunity to recover costs that the utility had classified as transmission-related, but which the Federal Energy Regulatory Commission (FERC) declined to include in transmission rates. In the proceeding that resulted in Opinion 445, FERC declined to include approximately \$24 million of SCE's annual A&G and G&I costs in transmission rates because FERC concluded that its traditional labor ratio allocation methodology should be used rather than the multi-factor allocation methodology advocated by SCE. This decision concludes that the A&G and G&I costs at issue are not eligible for recovery in distribution rates because SCE has failed to offer any proof that the costs are both reasonable and distribution-related, as Res E-3544 requires. This proceeding is closed.

(Comr Lynch - ALJ McKenzie)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

4
2291

R _____ - Order Instituting Rulemaking adopting rules to account for the consideration received by regulated California electric and natural gas utilities under a settlement with El Paso Natural Gas Company.

The Commission, Southern California Edison Company (Edison), Pacific Gas & Electric Company (PG&E), and others, have reached a settlement with El Paso Natural Gas Company in the Commission's complaint proceeding, Docket No. RP00-241-000 at the Federal Energy Regulatory Commission, as a part of a larger settlement involving the investigations by the California Attorney General, and the Attorneys General from Nevada, Washington, and Oregon, as well as 15 separate plaintiffs' lawsuits in the San Diego Superior Court. This Order Instituting Rulemaking (OIR) will adopt the appropriate ratemaking mechanisms to enable the three major investor-owned electric utilities, Edison, San Diego Gas & Electric Company (SDG&E) and PG&E, and the four major investor-owned gas utilities, PG&E, Southern California Gas Company (SoCalGas), SDG&E, and Southwest Gas Company (Southwest) to implement accounting mechanisms for the proceeds of the negotiated settlement.

Utilities Resolutions and Written Reports**Energy Matters**

- E-1
1750** **Res E-3814 - Southern California Edison Company (SCE).**
SCE seeks Commission approval of one power purchase agreement contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. (Advice Letter 1680-E, filed January 14, 2003) (Agenda 3107, Item E-3 2/13/2003 (Brown); Agenda 3108, Item E-3 2/27/2003 (Staff); Agenda 3109, Item E-1 3/13/2003 (Brown); Agenda 3110, Item E-1 4/3/2003 (Kennedy); Agenda 3111, Item E-1 4/17/2003 (Kennedy); Agenda 3112, Item E-1 5/8/2003 (Wood))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142825
- E-1a
2293** **ALTERNATE TO ITEM 1750**
This alternate differs from the proposed Energy Division Resolution in that it approves one power purchase agreement which Southern California Edison (SCE) requests to enter into in 2003 to contribute toward procurement of at least one percent of the utility's annual electric sales from renewable energy resources.
(Comr Wood)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148986
- E-2
1778** **Res E-3801 - Pacific Gas and Electric Company (PG&E).**
This resolution approves with modifications PG&E's tariff revisions to implement a flexible pricing option in accordance with Public Utilities Code Section 454.1. (Advice Letter 2276-E, filed August 26, 2002)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
(Agenda 3109, Item E-3 3/13/2003 (Staff); Agenda 3110, Item E-3 4/3/2003 (Lynch); Agenda 3111, Item E-3 4/17/2003 (Brown); Agenda 3112, Item E-3 5/8/2003 (Peevey))
- E-2a
1962** **ALTERNATE TO ITEM 1778**
PG&E submits revisions to implement a flexible pricing option in accordance with PUC Code 454.1. Approved with modifications.
(Comr Peevey)
(Agenda 3110, Item E-3a 4/3/2003 (Lynch); Agenda 3111, Item E-3a 4/17/2003 (Brown); Agenda 3112, Item E-3a 5/8/2003 (Peevey))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145073

**E-3
2110****Res E-3813 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).**

PG&E, SCE, and SDG&E filed tariffs to implement the Direct Access Cost Responsibility Surcharge effective January 1, 2003 in compliance with Ordering Paragraphs 10 and 11 of D02-12-045. (PG&E Advice Letter (AL) 2328-E, filed December 24, 2002, Supplemental ALs 2328-E-A/-E-B, filed January 13, 2003 and January 23, 2003; SCE AL 1674-E filed, December 24, 2002; and SDG&E AL 1461-E, filed December 26, 2002.)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

(Agenda 3113, Item E-5 5/22/2003 (Lynch))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149471

Telecommunications Matters**C-1 Res T-16747****2175**

This Resolution establishes a 2003-2004 budget of \$56,302,982 for the Deaf and Disabled Telecommunications Equipment and Services Program pursuant to the provisions of D89-05-060 and Public Utilities Code Sections 2881, et seq. This resolution also recommends that the surcharge rate of 0.30%, effective October 1, 2002 per Res T16663, be decreased to 0.03% as of July 1, 2003.

(Comr Peevey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Legislative Matters**Items Held Over****HLEG-1 AB 808 (Canciamilla)****2214**

Energy: agency consolidation.

(Agenda 3113, Item LEG-2 5/22/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149527**HLEG-2 AB 855 (Firebaugh and Levine)****1977**

Wireless telecommunications: access to state property.

(Agenda 3110, Item LEG-3 4/3/2003 (Staff); Agenda 3111, Item HLEG-1 4/17/2003

(Staff); Agenda 3112, Item HLEG-3 5/8/2003 (Staff); Agenda 3113, Item HLEG-1

5/22/2003 (Staff))

HLEG-3 SB 107 (Bowen)**2210**

ISO: demand management: renewable, ultra-clean, low emission distributed generation resources.

(Agenda 3113, Item LEG-7 5/22/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149519**HLEG-4 SB 429 (Morrow)****(Rev.)****2215**

Public utilities: acquisition or control.

(Agenda 3113, Item LEG-8 5/22/2003 (Staff))

06/02/2003 - This revision was not shown on the Agenda mailed to the public.http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149520**HLEG-5 SB 659 (Soto)****2212**

Electrical corporations: rates.

(Agenda 3113, Item LEG-9 5/22/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149521

Items

LEG-1 **AB 1157 (Canciamilla)**
2297 Public Utilities: Water rates.

LEG-2 **SB 888 (Dunn, et. al.)**
2298 Public utilities: electrical restructuring.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147487

Commissioner's Reports

CR-1 Commissioners' Report

1990 Miscellaneous Commissioners' reports.

CR-2 Commissioner Lynch Report

2220 Discussion of and possible action on ensuring information from Commission staff or consultants is provided to interested commissioner offices in a timely manner.

(Agenda 3113, Item CR-2 5/22/2003 (Peevey))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148436

Management Reports and Resolutions

M-1 **Management Reports.**
1993 Miscellaneous Management reports.

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Non-Federal Items

Orders Held Over

- HEX-1
2031** **I _____ - Conference with Legal Counsel - Initiation of Enforcement Proceeding.**
 Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)
Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.
Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.
 (Agenda 3111, Item EX-11 4/17/2003 (Staff); Agenda 3112, Item HEX-3 5/8/2003 (Staff); Agenda 3113, Item HEX-3 5/22/2003 (Staff))
- HEX-2
2128** **R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**
 Disposition of applications for rehearing of D02-08-071 filed by Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (Edison). In D02-08-071, the Commission: (1) authorized PG&E and Edison to enter into interim contracts for procurement of capacity in participation with DWR; (2) adopted a procedural process to review and approve these interim contracts; and (3) established the requirements for procurement of renewable and QF power between the effective date of the D02-08-071 and January 1, 2003.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 (Agenda 3112, Item EX-6 5/8/2003 (Staff); Agenda 3113, Item HEX-5 5/22/2003 (Staff))

**HEX-3
2129****R01-10-024 - Conference with Legal Counsel – Application for rehearing**

Disposes of the applications by Southern California Edison (SCE), Pacific Gas & Electric (PG&E), San Diego Gas & Electric Co. (SDG&E), and Sempra Energy Resources for the rehearing of D02-09-053. The decision is an interim opinion in the Commission's rulemaking to establish ratemaking mechanisms and procedures that would enable the utilities to resume responsibility for procuring power for their retail customers. The decision allocates existing California Department of Water Resources long-term contracts to PG&E, SCE and SDG&E.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3112, Item EX-7 5/8/2003 (Staff); Agenda 3113, Item HEX-6 5/22/2003 (Staff))

**HEX-4
2130****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Disposes of the applications by Pacific Gas & Electric (PG&E), and San Diego Gas & Electric Co. (SDG&E) for the rehearing of D02-12-069, which adopts the Operating Order under which PG&E, SDG&E, and SCE will perform the operational, dispatch, and administrative functions for the California Department of Water Resources' long-term power purchase contracts, as of January 1, 2003.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3112, Item EX-8 5/8/2003 (Staff); Agenda 3113, Item HEX-7 5/22/2003 (Staff))

**HEX-5
2131****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Order disposing of applications for rehearing of D02-10-062 filed by Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), San Diego Gas and Electric Company (SDG&E), Sempra Energy Resources, and Cogeneration Association of California. D02-10-062 adopts a regulatory framework under which PG&E, Edison, and SDG&E were to resume full procurement responsibilities effective January 1, 2003.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3112, Item EX-9 5/8/2003 (Staff); Agenda 3113, Item HEX-8 5/22/2003 (Staff))

**HEX-6
2132****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Order disposing of applications for rehearing of D02-12-074 filed by Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), San Diego Gas and Electric Company (SDG&E), and Sempra Energy Resources. D02-12-074 approved short-term procurement plans for PG&E, Edison, and SDG&E and modified the cost recovery mechanisms and standards of conduct adopted in D02-10-062.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3112, Item EX-10 5/8/2003 (Staff); Agenda 3113, Item HEX-9 5/22/2003 (Staff))

**HEX-7
2184****I99-09-001 - Conference with Legal Counsel - Application for Rehearing**

Disposition of Application for Rehearing of D02-06-077 filed by Telmatch Telecommunications, Inc. (Telmatch). In D02-06-077, the Commission permanently revoked Telmatch's operating authority within the State of California. The Decision also found that Telmatch's consumer solicitation practices violated Public Utilities Code Sections 451 and 2890(a), and imposed \$1.74 million in fines and \$5.5 million in consumer reparations.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

(Agenda 3113, Item EX-6 5/22/2003 (Staff))

Orders**EX-1 Conference with Legal Counsel - Application for Rehearing****1994**

Compilation of applications for rehearing recently filed with the Commission.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.***EX-2 Conference with Legal Counsel - Threatened Litigation****1995**

Significant exposure to litigation.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session.***EX-3 Conference with Legal Counsel - Initiation of Litigation****1996**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.***EX-4 Personnel Matters****1997**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee, including the appointment or employment of a new General Counsel.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session.***EX-5 R.02-01-011 - Conference with Legal Counsel – Application for Rehearing****2284**

Disposition of Applications for rehearing of D03-05-034, filed by The Utility Reform Network (TURN), Southern California Edison Company (Edison) and Pacific Gas and Electric Company (PG&E). In this decision, the Commission adopted rules that permit direct access customers, under specified circumstances, to return to bundled service and subsequently switch back to direct access service.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.***EX-6 A.02-04-022 - Conference with Legal Counsel – Application for Rehearing****2285**

Disposition of Application for Rehearing of D02-03-030 granted in part and denied in part the request of California-American Water Company (Cal-Am) for a general increase in rates for its Monterey Division. In particular, the Commission adopted a figure of \$40,000 per year for the next three years for regulatory expenses, based primarily on Cal-Am's historical expenses.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Federal Items

Items Held Over

**HFEX-1
2207**

FERC Docket No. EL02-60-000 - Conference with Legal Counsel – Existing Litigation

Case Name Unspecified (Disclosure of case name would jeopardize existing settlement negotiations.)

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

(Agenda 3113, Item FEX-7 5/22/2003 (Staff))

Items

- FEX-1
1998** **Conference with Legal Counsel - Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.
Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.
- FEX-2
1999** **Case No. 01 30923 DM - Conference with Legal Counsel - Existing Litigation**
Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- FEX-3
2000** **Case No. 01-56879, DC. No. CV-00-12056-RSWL - Conference with Counsel - Existing Litigation**
Southern California Edison v. Lynch, et al., United States Court of Appeal for the Ninth Circuit, Case No. 01-56879, DC. No. CV-00-12056-RSWL.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- FEX-4
2001** **Case No. C01-3023 VRW - Conference with Legal Counsel - Existing Litigation**
Pacific Gas and Electric Company v. Lynch, et al., United States District Court for the Northern District of California, San Francisco Division, Case No. C01-3023 VRW.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- FEX-5
2002** **FERC Docket No. RP00-241-006 - Conference with Legal Counsel – Existing Litigation**
Public Utilities Commission of the State of California v. El Paso Natural Gas Company, et al.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.